Remarks

I.   Response to Claim Objections

At page 2 of the Office Action, the Examiner has noted the misnumbering of claims 33–35 and renumbered these claims as 32–34. The Applicant appreciates the Examiner noticing the error and making the change.

II.   Response to Rejections under 35 USC § Section 102

Also at page 2, claims 1, 13, and 30 are rejected under 35 USC 102(e) as being anticipated by "Shim" et al (United States patent number 6,694,089). The Applicant respectfully traverses this rejection since Shim does not include all of the limitations of the Applicant's claims.

In Shim, an optical disc recording device for producing discs adapted for direct access reproduction and a direct access reproducing method are disclosed. In Shim, a recording location of a disk at a user-selected direct access unit time or a user-selected time point is stored as a reproduction starting address. However, as it applies to claim 1, Shim does not disclose a portable computing device that performs a method that includes reading a digital representation of audio, "wherein said reading is performed by way of a second processor", as recited in independent claims 1, 13, and 30.

At page 3 of the Office Action, the Examiner asserts that Figure 6, and column 7 of Shim discloses "wherein said reading is performed by way of a second processor". However, after a careful study of Shim, the Applicant is unable to confirm the presence of a second processor, and hereby solicits the Examiner's assistance in locating the second processor that reads from a random access memory of Figure 6. If the Examiner can point to a specific element of the system of Figure 6 that qualifies as a second processor reading from random access memory, the Applicant may be able to amend the claims accordingly. At this point however, *the Applicant must firmly assert that Shim does not disclose the use of a second processor capable of reading audio or video from a random access memory element.*

Accordingly, the Applicant requests that the Examiner withdraw the rejection.

III. Response to rejections under 35 USC§ 103

At page 4, item 6 of the Office Action, claims 1-12, 19-24, and 29-34 are rejected under 35 USC§103(a) as being unpatentable over Burrows (US patent number 6,377,530) in view of Kinoshita (United States patent number 4,740,828). The Applicants respectfully traverse the rejection since the references, taken either individually or in combination, do not disclose the Applicants claimed invention.

In Burrows, a system and method for playing compressed audio data is disclosed. In Burrows a portable audio player stores a large amount of compressed audio data on an internal disk drive and loads a portion of this into an internal random access memory. However, after a careful review of Burrows, the Applicant asserts that Burrows includes a *single processor* (102) and thus does not include a method of converting audio that includes reading a digital representation of audio from the random access memory element "wherein said reading is performed by way of a second processor", as recited in independent claim 1. Nor does Burrows disclose a portable computing device having a "second processor for reading said representation of said audio from said random access memory element", as recited in independent claim 19. Nor does Burrows disclose a program storage device readable by a machine that causes the machine to perform the method steps which include reading a digital representation of audio from a random access memory element "wherein said reading is performed by way of a second processor", as recited in independent claim 30.

In Kinoshita, an image sensing apparatus is provided with an image sensor having picture elements. However, Kinoshita does not disclose or suggest a method of converting audio that includes reading a digital representation of audio from the random access memory element "wherein said reading is performed by way of a second processor", as recited in independent claim one. Nor does Kinoshita disclose or suggest a portable computing device having a "second processor for reading said representation of said audio from said random access memory element", as recited in independent claim 19. Nor does Kinoshita disclose or suggest a program storage device readable by a machine that causes the machine to perform the method steps which include reading a digital representation of audio

from a random access memory element "wherein said reading is performed by way of a second processor", as recited in independent claim 30.

Nor does the combination of the cited references disclose or suggest the limitations of the Applicant's claims. As both Burrows and Kinoshita are silent on the aspect of "reading by way of a second processor", the two references cannot be combined in order to produce this missing element.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

At page 9, item 7 of the Office Action, claims 21-23 are rejected under 35 USC§103(a) as being unpatentable over Burrows in view of Kinoshita and further in view of Ward (US patent number 5,963,530). As previously mentioned, Burrows and Kinoshita, taken either individually or in combination there with, do not disclose or suggest the limitations of independent claim 19, from which claims 21-23 depend.

In Ward, a CD recording device with an auxiliary input is disclosed. However, after a careful review of Ward, the Applicants can find no reference to a second processor. Thus, Ward does not disclose or suggest a portable computing device having "a second processor for reading said representation of said audio from said random access memory element" as recited in independent claim 19.

As neither Burrows, nor Kinoshita, nor Ward include the "second processor" as required by claim 19, the combination of these references does not produce the missing element. Accordingly, the Applicant requests that the Examiner withdraw this rejection.

At page 10 of the Office Action, claims 25-26, and 28 are rejected under 35 USC§103(a) as being unpatentable over Burrows in view of Kinoshita and further in view of Schulhof (United States patent number 5,841,979). As previously mentioned herein, neither Burrows nor Kinoshita, taken either individually or in combination therewith disclose or suggest the limitations of claim 19, from which claims 25, 26, and 28 depend.

In Schulhof, an enhanced delivery of audio data is disclosed. The system of Schulhof allows a user to select delivery of audio data files at a delivery rate of 2-100 times the normal delivery rates for an audio data file. However, Schulhof does not disclose or suggest the use of "a second processor for reading said representation of

said audio from said random access memory element", as recited in independent claim 19.

As neither Schulhof, nor Burrows, nor Kinoshita, include the "second processor" as required by claim 19, the combination of these references does not produce the missing element. Accordingly, the Applicant requests that the Examiner withdraw this rejection.

Also at page 10 of the Office Action, claim 27 is rejected under 35 USC §103(a) as being unpatentable over Burrows in view of the Kinoshita and further in view of Ramaswami (United States patent number 6,423,892). As previously mentioned herein, neither Burrows nor Kinoshita, taken either individually or in combination therewith, disclose or suggest the limitations of claim 19, from which claim 27 depends.

In Ramaswami, a method, wireless MP3 player, and system for downloading MP3 files from the Internet are disclosed. However, the Applicants must point out that **Ramaswami is not prior art**. The filing date of Ramaswami is January 29, 2001, whereas the filing date of the current application is January 3, 2001. Thus, the Applicants request that the Examiner withdraw this rejection.

At, page 11 of the Office Action, claims 13-18 are rejected under 35 USC§ 103(a) as being unpatentable over Ando (United States patent number 6,553,181) in view of Kinoshita.

As previously mentioned herein, Kinoshita does not disclose or suggest a method of converting video from a digital representation that includes "reading said digital representation of said video from said random access memory element wherein said reading is performed by way of a second processor", as recited in independent claim 13.

In Ando, an optical disk for storing moving pictures with text information and an apparatus using the disk is disclosed. However, that column 9, lines 42-46, Ando discloses that "the data processor 103 receives a playback signal from disk drive 102 in a playback operation, demodulates the signal, performs an error correction process, and sends the demodulated signal to a decoder unit 106." Thus, the second processor of Ando is not "reading said digital representation of said video from said random access memory element", as recited in independent claim 13. The

decoder unit (106) of Ando is not required to "read from a random access memory element" as required by claim 13. In contrast, the decoder unit is only required to decode an incoming data stream. This is not the same as reading from a random access memory element.

Since neither Ando nor Kinoshita disclose the limitations of the Applicants claimed invention, the combination of the references cannot be used to produce the missing element. Accordingly, the Applicant requests that the Examiner withdraw the rejection.

IV.   Additional Fees

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully Submitted,
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